

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

ANDREAS WINTER ET AL

For: METALLOCENES CONTAINING  
LIGANDS OF 2-SUBSTITUTED  
IDENYL DERIVATIVES, PROCESS  
FOR THEIR PREPARATION, AND  
THEIR USE AS CATALYSTS

U.S. PATENT NO. 5,276,208

REISSUE PATENT NO. 37,208

Group Art Unit: N/A

Examiner: N/A

I hereby certify that the attached  
correspondence is being deposited with the  
United States Postal Service as first class mail  
in an envelope addressed to Commissioner of  
Patents and Trademarks, Washington, D.C.  
20231, on October 18, 2002.

*Linda J. Hoggarth*  
Linda J. Hoggarth

PETITION UNDER 37 CFR §1.182  
(OR ALTERNATIVELY UNDER 37 CFR §1.378)

BOX DAC  
Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

This is a Petition to accept payment of a Maintenance Fee that was previously submitted  
to the Office for US Patent No. 5,276,208 and Reissue 37,208. Applicants respectfully request  
the Office to accept this previously submitted Maintenance Fee.

On June 29, 2001, the enclosed list of U.S. Maintenance Fees was sent to the  
Maintenance Fee Division of the U.S. Patent and Trademark Office (USPTO) with instructions

to pay the Maintenance Fees, which included instructions to pay the Maintenance Fee for US Patent No. 5,276,208 (see first page of list).

On July 27, 2001, a Notice of Non-Acceptance of Patent Maintenance Fee, a copy of which is also enclosed, was sent to us by Karen Bowman indicating that U.S. Patent No. 5,276,208 had been reissued as REI 37,208 and that the reissue patent and serial number must be provided to complete the required maintenance fee.

Linda Hoggarth (formerly Linda Cochran), who is responsible for Maintenance Fee matters for our office, contacted the USPTO Maintenance Fee Division and provided the reissue information by telephone and was assured by the Maintenance Fee Representative that the matter would be taken care of. An affidavit of Ms. Hoggarth is enclosed herewith.

On September 20, 2002, we received an urgent telefax from our parent company, BASF Aktiengesellschaft, the assignee of the subject patent, indicating that they had received a Maintenance Fee Reminder regarding the subject patent. Our Deposit Account No. 02-1201 has not been charged for these fees; however, although the USPTO shows the payment as not paid, they also show that the next payment is due in July 2005, which would seem to indicate that payment had been recorded by the Office.

We therefore respectfully request that the Office accept payment of the appropriate maintenance fees without penalty of reinstatement since a timely request had been made and respectfully submit that the refusal to accept and record the maintenance fee resulted from an error by the Patent and Trademark Office.

We have enclosed a new list for the subject U.S. Patent and Reissue Patent and request that the maintenance fees be paid and that the subject patent be put in good standing. We

respectfully request a Notice acknowledging payment of the Maintenance Fee and reinstatement of the subject patent.

**Petition in the Alternative Under 37 CFR §1.378**

If the Office determines that this Petition cannot be granted, we request that the Office treat this petition as a Petition to accept delayed payment of maintenance fee under 37 CFR §1.378.

In a first instance, this Petition should be treated as a Petition to Accept Unavoidably Delayed Payment of a Maintenance Fee under 37 CFR §1.378(b). Included herewith are:

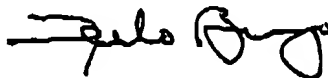
- 1) authorization to charge Deposit Account No. 02-1201 for the maintenance fee due for said patent;
- 2) authorization to charge Deposit Account No. 02-1201 for the surcharge set forth in §1.20(l)(1); and
- 3) a showing that the delay was unavoidable. The facts set forth above enumerate the steps taken to ensure timely payment of the maintenance fee, the date and manner in which patentee became aware of the expiration of the patent, and the steps taken to file this petition promptly.

If the Office determines that this does not support a Petition to Accept Unavoidably Delayed Payment of a Maintenance Fee under 37 CFR §1.378(b), we then respectfully request that this be treated as a Petition to Accept an Unintentionally Delayed Payment of a Maintenance Fee under 37 CFR §1.378(c). Included herewith are:

- 1) authorization to charge Deposit Account No. 02-1201 for the maintenance fee due for said patent;
- 2) authorization to charge Deposit Account No. 02-1201 for the surcharge set forth in §1.20(i)(1); and
- 3) a statement that the delay in payment of the maintenance fee was unintentional. It is clear that the delay in payment of the maintenance fee was, at a minimum, unintentional.

The Office is authorized to charge Deposit Account No. 02-1201 for any fees applicable to this petition. If the foregoing is deficient in any respect, the Office is respectfully requested to contact the undersigned attorney.

Respectfully submitted,



Fernando A. Borrego  
Attorney for Applicants  
Reg. No. 34,780

1609 Biddle Avenue  
Wyandotte, MI 48192  
(734) 324-6193

BASF Corporation

 **BASF**

October 18, 2002

Box M. Fee  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Re: Maintenance FeesPayor No. 028484

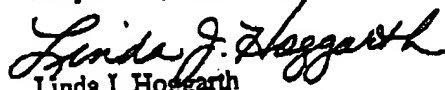
Sir:

Please charge Deposit Account 02-1201 the amount to cover the maintenance fee due on the patent(s) listed on the attached sheet(s). The Commissioner is hereby authorized to charge any deficiency in the payment of the required fees or credit any over-payment to Deposit Account No. 02-1201.

<u>PAT. NO.</u>	<u>SERIAL NO.</u>	<u>PAYMENT YR.</u>	<u>ISSUE DATE</u>	<u>FILING DATE</u>
5,276,208	07/789,361	8	01/04/94	11/08/91
RE 37,208	08/324,260	8	06/05/01	10/17/94

THERE ARE NO SMALL ENTITIES ON THIS LIST.

Respectfully submitted,



Linda J. Hoggarth  
Administrative Associate VI  
Legal Department  
Phone: (734) 324-6195  
Fax: (734) 324-6823

(In Duplicate)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the "Commissioner of Patents and Trademarks, Box M. Fee, Washington, D.C. 20231" on October 18, 2002.